



REPORT TO: Planning Committee

12 September 2018

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 28th August 2018. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently 92 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
4. Statistical data is contained in Appendices 1, and 2 to this report.

Updates to significant cases

5. Updates are as follows:

(a) Cottenham - Smithy Fen:

Work continues on Setchel Drove, following the placement of a number of static caravans on four plots in breach of the current planning consent and High Court Injunction applicable to each plot. Formal letters have been issued to those reported owners and occupants on Setchel Drove, covering the breaches of planning control and breach of the High Court Injunction - Copies of the Injunction and Housing leaflets, covering those that may be threatened with homelessness or eviction has been issued – Given the complexity and number of departments within the organisation that may be involved in any future action the Councils Tasking & Coordination group are facilitating a joint approach with Planning, Environmental Health, Housing, Benefits & Council Tax, and Legal.

Following a full survey of the site, including Needs assessments preparation was made for the issue of twenty two (22) Breach of Condition Notices

covering five plots in Water Lane, one plot in Orchard Drive, four plots in Pine Lane, three plots in Park Lane, and nine plots in Setchel Drove, who have been found to breach their planning permission.

A compliance inspection carried out after the 31 July 2017 confirmed that 54% of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons. Cambridge Magistrates Court are now currently processing the application for Summons. All cases have now been heard and where breaches were identified Cambridge Magistrates levied fines totalling £72,566.57p – A further inspection and survey of the site has now been carried out on the 26th June 2018 which revealed that 12 plots are currently in breach of planning control. Further prosecutions will now be considered /carried out in addition to two further breaches of Condition Notices issued and one prosecution in the High Court for breaching the current site Injunction. A further High Court Injunction is also to be considered.

(b) Whaddon – 9A Bridge Street

Without planning permission the erection of a six metre high pole for CCTV equipment. Enforcement Notice SCD-ENF-094/17/A was issued with a compliance date of 25th November 2017 to remove the pole and CCTV equipment. The notice has not been complied with and a file was submitted to the Councils Legal office to issue a Summons. The date of the summons was set for 10am 15th March 2018 however the accused did not attend and the Court issued a Warrant for his arrest. Case continues - No further information at this time.

(c) Girton – 86 Cambridge Road

Retrospective planning application S/2662/17/FL for the erection and installation of front entrance timber gates refused. Planning enforcement notice issued reference SCD-ENF 0466/17. During the course of the installation a significant TPO tree was severely damaged. Owner interviewed under caution - Prosecution file raised. Current listing for Cambridge Magistrates Court 22nd February 2018 cancelled due to owner being in Australia. Legal dealing. Planning Appeal submitted reference APP/W0530/D/17/3191399
The planning Inspectorate having considered the application dismissed the appeal. Formal application to remove the gates to be made. The unauthorised gates have now been removed. The prosecution in regard to the damage to the TPO tree has been rescheduled for October 2018

(d) Gothic House 220 High Street Cottenham

The property which is a grade 2 Listed building is unoccupied and in a serious state of disrepair which not only affects the fabric of the building but is also considered an immediate danger to the Public. A s215 Amenity Notice was issued in order to address the immediate concerns with a compliance date of 19 May 2018. Which due to circumstances was extended to 19th June 2018
An inspection carried out on the 21 June 2018 revealed that no works had

commenced and the situation remained outstanding. A prosecution file was raised and a date to attend Cambridge Magistrates Court was set for the 9th August 2018. The owners of the property appeared before the Court and admitted the charge and were fined £907.00p with costs totalling £150.00p and Victim surcharge of £90.00p The grand total being £1147.00p. Work has now commenced to comply with the s215 Notice – Monitoring continues

(e) 73 High Street West Wrating

Following reports that the amenity of the above property including the main building which was a Public House known as the Lamb Inn and had been closed for many years a s215 Notice was issued to address the unacceptable amenity issue. The compliance period given was to complete the works by no later than 19th June 2018 however the building caught fire during the early hours of Friday 8 June 2018 before works had commenced and the building was destroyed leaving only the outer walls standing. The site has been fenced off to prevent access to unauthorised persons. The owners have submitted an application to demolish the building due to its condition and safety to the Public. – Situation to be monitored.

(f) Car Wash – 11 Ermine Way, Arrington

A multi-agency review is currently underway following reports that the operators of the above valeting operation are discharging carwash effluent and septic tank effluent which is affecting neighbouring properties.

Initial investigation has been carried out by the County Council who have discovered a pipe that appeared to connect a septic chamber to the highway drain. They have also identified works to the highway drain that will need to be carried out. Officers from the Environment agency are also investigating along with planning enforcement and Environmental health teams. Investigations continue at this time.

(g) 147 St. Neots Road, Hardwick

A fire which took place several years ago and severely damaged the building on the site and although heavily screened by high hedging has remained unrepaired and a general eyesore to the neighbouring properties and the general Public passing the site. The owner of the land who has stated that he will demolish the building however the Neighbouring business unit has not given its authority for the National Grid to disconnect the live main gas supply which it shares with number 147 St Neots Road. Given the time that has elapsed and opportunity for the parties concerned to resolve the Gas termination to no 147 the Council is reviewing its powers under s79 in order that arrangements can be made with the relevant statutory undertakers for the disconnection of the gas supply, electricity and water as applicable, and the building demolished.

- 6 Enforcement Investigations for July 2018 reflect a 65.4% increase when compared to the same period in 2017. Eighty six (86) cases in total for the July period versus fifty two (52) cases in 2017

The number of cases investigated year to date July 2018 totals 403 which when compared to the same period in 2017 (331 cases) represents a 21.7% increase.

A review of the 73 cases closed in July 2018 revealed that 27 cases were found not to be in breach of planning control, 12 complied, 4 were permitted development and 6 were not expedient to enforce. The remaining 24 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited and retrospective planning applications submitted..

Effect on Strategic Aims

- 7.. South Cambridgeshire District Council delivers value for money by engaging with residents, parishes and businesses. By providing an effective Enforcement service, the Council continues to provide its residents with an excellent quality of life.

Background Papers:

The following background papers were used in the preparation of this report:

- **Appendices 1 and 2**

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